



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 12 2018

CERTIFIED MAIL 70171450000079130315

RETURN RECEIPT REQUESTED

Mr. Richard Jerman
Eagle Hammock, LLC
1750 W. Broadway, Suite 111
Oviedo, Florida 32765

RE: Information Request Letter 308-018-013

Dear Mr. Jerman:

The U.S. Environmental Protection Agency, Region 4, has learned that an unauthorized discharge of dredged and/or fill material has occurred in waters of the United States at property owned by you and/or Eagle Hammock, LLC, (collectively, "you" or "your") without a U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permit, 33 U.S.C. § 1344. The location of the property is on the north side of Myers Road, in Osceola County, Florida, at or near latitude 28.3415°N, longitude 81.3404°W (see Exhibits A and B of the enclosed Information Request). By letter to the EPA dated July 13, 2018, the Corps alleges that you mechanically cleared and/or filled approximately 1.67 acres of wetlands that may be subject to the jurisdiction of the CWA, and it requested that the EPA serve as the lead enforcement agency to determine the appropriate enforcement response.

The purpose of this letter is to evaluate your compliance with the requirements of Section 404 of the CWA, 33 U.S.C. § 1344. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in the enclosed Information Request within thirty (30) days of receipt of this letter. The EPA requests that the information be physically mailed to the below address. It should not be sent electronically. Your response should be sent to:

Mr. Zach Schlachter
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
Marine Regulatory and Wetlands Enforcement Section, 15th Floor
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to, Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. § 1001.

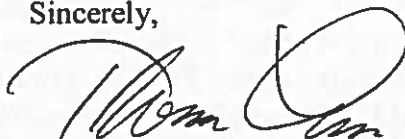
If you believe that any of the requested information is Confidential Business Information (CBI), you may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the

extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If you do not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to you. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

The EPA has also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue an enforcement action.

If you have any questions concerning this matter, please contact Mr. Zachary Schlachter at (404) 562-9267, or, if represented by counsel, have your attorney contact Mr. Patrick Johnson at (404) 562-9574.

Sincerely,



Thomas McGill

Chief

Ocean, Wetlands and Streams Protection Branch

Enclosure

cc: Mr. Robert Halbert, Chief, U.S. Army Corps of Engineers, Enforcement Section
Mr. John Truitt, Florida Department of Environmental Protection
Mr. Mike Halpin, Florida Department of Environmental Protection

CLEAN WATER ACT SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by the Environmental Protection Agency (EPA) only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, the EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act (CWA) or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

5. The term "identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee, and/or recipient; and substance of the subject matter.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "Discharge Area" means the wetlands that have been impacted either through filling, excavating or mechanical land clearing with side cast of dredged and/or fill material. More specifically, the Discharge Area includes wetlands situated on the Site, in Osceola County, Florida, at or near latitude 28.3415°N, longitude 81.3404°W.
8. The term "Site" means the parcel or parcels of land on which the Discharge Area is located and is contained within Section 5, Township 25S, Range 30E, Osceola County, Florida, on the north side of Myers Road one-half mile west of its intersection with Boggy Creek Road. *See Exhibits A (large-scale Site map) and B (small-scale Site map).*
9. The term "Work" means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, dam construction, berm construction, mechanical land clearing, piping of streams, or filling activities that have occurred in wetlands or other waters of the United States located at the Site since you owned, controlled, or did any Work on the Site.
10. The term "you", "your", and/or "Respondent" shall mean Eagle Hammock, LLC, and/or any company, entity, or corporation that has directed work at the Site.

Questions

Please provide the EPA with the following information or documents pertaining to the Site identified in Exhibits A and B:

1. Copies of any deeds, leases, easements, or other documents revealing any and all ownership interests in the Site.
2. The name and address of any corporation, contractor, subcontractor, consultant, agent, individual, or employee, including the Respondent, who directed or participated in the Work at the Site.
3. The equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operated such equipment.

4. The date upon which the Work commenced and the date upon which the Work was completed or will be completed.
5. A description of all the Work performed by the Respondent, or on behalf of the Respondent by its contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s). In addition, list any entity or individual other than the Respondent, its contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s) who performed any of the Work.
6. State whether the Work was performed on behalf of the Respondent. If the Work was not performed on behalf of the Respondent, state for whom the Work was performed.
7. A description of all planned activities of which the Work was a part, including, but not limited to, all maps, drawings, and engineering plans.
8. A description of the physical condition of the overall Site and the Discharge Area before Work commenced, including, but not limited to, all wetlands, biota, soil, and hydrology.
9. Copies of any and all on-site environmental assessments, including environmental assessments of soils, vegetation, or hydrology, that were done at the Site.
10. Copies of any and all federal, state, or local permits that may have been received for the Work on the Site, and any and all applications for such permits.
11. Your reasons for not obtaining a federal permit under Section 404 of the CWA prior to commencing the Work.
12. Plans for any additional filling, dredging, or land disturbing activities at the Site.
13. Copies of any and all documents regarding any written or verbal communication you have had with any federal, state, or local agency regarding the Work.
14. Copies of any and all contracts pertaining to the Work at the Site.
15. A description of any other locations where the Respondent, or the Respondent's contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s), has performed filling, dredging, or land disturbing activities. If such locations exist, please provide copies of any federal, state, or local permits that may have been received for those activities at those locations.
16. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification:

"I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA."

Name

Title

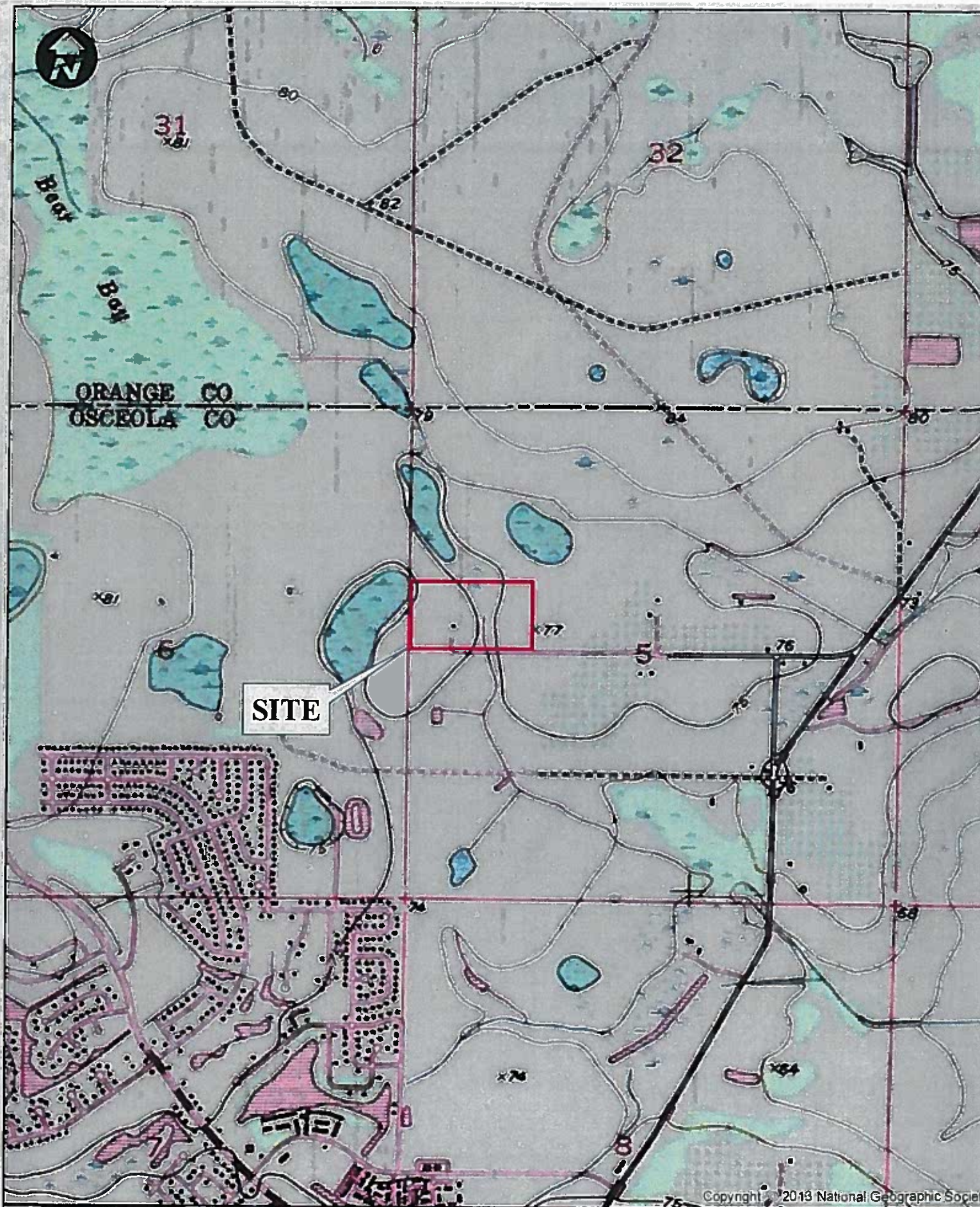



EXHIBIT A
EAGLE HAMMOCK, LLC
OSCEOLA COUNTY, FLORIDA

0 0.1 0.2 0.4
Miles

Legend

 SITE



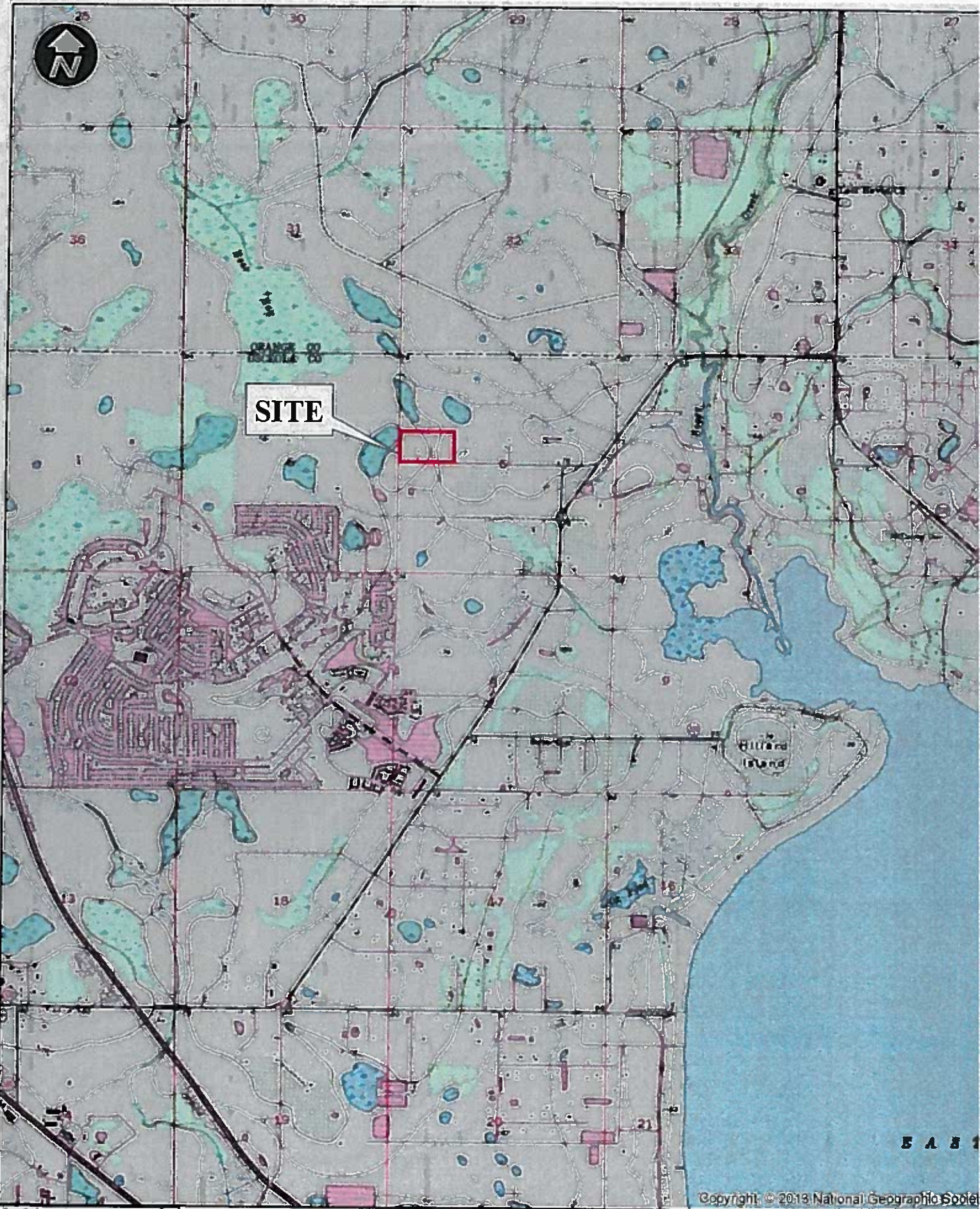


EXHIBIT B
EAGLE HAMMOCK, LLC
OSCEOLA COUNTY, FLORIDA

0 0.25 0.5 1
Miles

Legend

 SITE

